

U.S. Department of Justice

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District of Connecticut*

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**WEST HARTFORD MAN SENTENCED
TO FEDERAL PRISON FOR ROLE IN FRAUD SCHEME**

David B. Fein, United States Attorney for the District of Connecticut, announced that BORIS A. TOMICIC, 40, of West Hartford, was sentenced today by Senior United States District Judge Warren W. Eginton in Bridgeport to 18 months of imprisonment, followed by three years of supervised release, for his participation in a scheme to defraud the developer of a New York shopping mall and the liability insurer of the development site. On November 4, 2011, a jury found TOMICIC guilty of one count of wire fraud in connection with the scheme.

According to the evidence at trial and findings made in post-trial rulings, in September 2004, Plaza Construction Company, the general contractor for the construction of a shopping mall in New York, entered into a subcontract with Earth Technology, Inc., a Connecticut-based environmental contractor, to provide site preparation services, including soil excavation. TOMICIC served as Earth Technology's project manager on the project. TOMICIC also had an ownership interest in Recycle Technology, LLC, a contaminated fuel and soil disposal and recycling company located in Charlton, Mass.

During the course of the site preparation for the mall project, a portion of the soil was found to contain high levels of lead. The contaminated soil was transported to and disposed at a facility in New Jersey at a price of \$127.50 per ton. Using Recycle Technology as a so-called "broker," TOMICIC directed Williams McCambridge, who served as the nominal owner of Recycle Technology, to receive the invoices for \$127.50 per ton, and then re-invoice Earth Technology at a price of \$218 per ton. TOMICIC then took the Recycle Technology invoices provided to Earth Technology, marked them up another 15 percent, and fraudulently passed the resulting \$250.70 per ton price to Plaza Construction Company and Atlas Park, LLC, the developer of the shopping mall.

When asked for competitive bids related to the disposal costs after Chubb Insurance, the site liability insurer, had requested them, TOMICIC fabricated two bids to give the false appearance that the \$218 per ton price purportedly proposed by Recycle Technology was the low bid among three competitive bids. The trial evidence showed the fabricated bids caused the insurance company to pay more on the claim than it would otherwise have paid.

TOMICIC was ordered to pay restitution of \$90,000 to Chubb Insurance.

On July 7, 2009, McCambridge pleaded guilty to one count of conspiracy to commit wire fraud. He awaits sentencing.

This matter was investigated by the Environmental Protection Agency, Criminal Investigation Division. The case is being prosecuted by Assistant U.S. Attorneys Eric J. Glover and Paul A. Murphy.

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